

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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JOHN D. HOPKINS, III,

Plaintiff,

vs

9:08-CV-01

MICHAEL ALLARD, Superintendent; SGT.  
GARDNER; JOHN DOE, Sergeant; M. TITUS,  
Correction Officer; JOHNSON, Correction Officer;  
JOHN DOE # 1, Correction Officer; JOHN DOE # 2,  
Correction Officer; B. BRUE, Nurse; C. VOLPE,  
Nurse; and JANE DOE, Nurse; All of Franklin  
Correctional Facility,

Defendants.  
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APPEARANCES:

JOHN D. HOPKINS, III,
Plaintiff, Pro Se
02-A-5282
Wallkill Correctional facility
Box G
Wallkill, NY 12589

HON. ANDREW M. CUOMO
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State of New York
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AARON M. BALDWIN, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, John D. Hopkins, III, commenced this civil rights action in January 2008, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated August 23, 2010, the Honorable David E. Peebles, United States Magistrate Judge, recommended that

defendant's motion for summary judgment (Docket No. 58) be granted in its entirety, and that all claims in plaintiff's complaint, except those relating to excessive use of force against defendants Titus and Gardner be dismissed with prejudice. The Magistrate Judge further recommended that all claims against the John and Jane Doe defendants be dismissed without prejudice. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the file, and the recommendations of Magistrate Judge Peebles, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

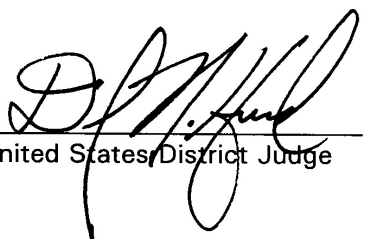
Accordingly, it is

ORDERED that

1. Defendant's motion for summary judgment (Docket No. 58) is GRANTED in its entirety, except that;
2. All claims in plaintiff's complaint, except those relating to excessive use of force against defendants M. Titus and Sgt. Gardner are DISMISSED with prejudice;
3. All claims against the John and Jane Doe defendants are DISMISSED without prejudice; and
3. The Clerk is directed to return the file to the Magistrate Judge for any further pretrial proceedings.

IT IS SO ORDERED.

Dated: September 24, 2010
Utica, New York.


United States District Judge